

Town of Warrenton Zoning Ordinance

9-18 Telecommunications Facilities

9-18.1. Use Regulations for Telecommunications Towers.

The purpose of these provisions is to establish requirements for the siting of towers and antennas and to: (i) avoid the location of towers in residential areas and minimize the total number of towers and tower sites throughout the Town; (ii) encourage the joint use of new and existing tower sites; (iii) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; (iv) encourage users of towers and antennas to configure or camouflage them in a way that minimizes adverse visual impact of the towers and antennas; and (v) determine adequate sites for the provision of telecommunication services with minimal negative impact on the resources of the Town.

9-18.2. Applicability.

9-18.2.1. District location and height limitations. The requirements set forth in this section shall govern the location and height of all telecommunications towers and antennas within the Town. All towers or antennas shall also comply with applicable Federal and State regulations. Amateur radio towers and antennas shall be regulated by the Town under existing State law and applicable Town regulations.

9-18.2.2. Existing structures and towers. The placement of an antenna on an existing structure such as a building, sign, light pole, water tank, or other free-standing nonresidential structure or existing municipal, utility or commercially owned tower or pole may be permitted with the approval of a special use permit so long as the height of the tower or structure is not increased and the addition of the antenna shall not add more than fifteen (15) feet in height to the structure or tower. If the use includes the placement of additional buildings or supporting equipment used in connection with the antennas, the building or equipment shall be placed within the existing structure and shall be screened from view. Existing or proposed structures shall not be altered to circumvent this provision.

9-18.3. General requirements.

9-18.3.1. Principal or accessory use. Antennas and towers may be considered either principal or accessory uses when determining area requirements on a given parcel of land. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, and other applicable requirements, the dimensions of the entire lot shall control, even though the

antennas or towers may be located on leased areas within such lots.

- 9-18.3.2. Inventory of existing sites. Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of its existing and potential future facilities that are either within the Town or surrounding jurisdictions or within five (5) miles of the border thereof, including specific information about the location, height, and design of each tower and/or antenna. Information submitted to the Town may be shared with other applicants applying for approvals or special exception permits under this provision or other entities seeking to locate towers or antennas within the Town. By sharing such information, the Zoning Administrator is not in any way representing or warranting that such sites are available or suitable for tower or antenna use.
- 9-18.3.3. A Commission Permit in accord with Section 15.2-2232 of the Code of Virginia is required for any tower or antenna prior to or in conjunction with any Special Use Permit approvals, if any, that may be required by the district regulations of this Ordinance.

9-18.4. Appearance; lighting.

The guidelines set forth in this section shall govern the appearance, location and installation of all towers and antennas governed by this Ordinance.

- 9-18.4.1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of FAA, be painted a neutral color, to reduce visual appearance and obtrusiveness and to blend in with the surrounding environment. Dish antennas and covers will be of a neutral, nonreflective color with no logos or other markings.
- 9-18.4.2. At a facility site, the design of any buildings and related structures must use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and the surrounding environment.
- 9-18.4.3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is the same as the color of the supporting structure so as to make the antenna and related equipment visually unobtrusive and blend with the surrounding environment.
- 9-18.4.4. Towers shall not be artificially lighted, unless required by the FAA or other applicable governing authority. If lighting is required, the Town Council may review the available lighting alternatives in conjunction with a Special Use Permit application and approve the lighting design that would cause the least disturbance to the surrounding views and properties.
- 9-18.4.5. No advertising of any type may be placed on a tower or accompanying facility unless it is part of retrofitting a pre-existing, lawful sign structure.

9-18.5. Federal and state requirements.

All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal or state governments with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this division shall bring such towers and antennas into compliance with such revised standards as required. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense. All towers and antennas constructed on property owned or leased by the federal or state government but used by non-governmental, commercial companies or operators, must comply with all requirements of the Town Zoning Ordinance.

9-18.6. Building Codes.

To ensure the structural and operating integrity of antennas and towers, the owner of an antenna or tower shall ensure that it, and any supporting buildings and structures, are constructed and maintained in compliance with standards contained in applicable federal, state and local buildings codes and regulations.

9-18.7. Information Required.

Each applicant requesting a special use permit under this section shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals in the Commonwealth of Virginia, showing the location and dimensions of all improvements, including information concerning topography, existing vegetation, proposed clearing and grading, radio frequency coverage, tower height and antenna location requirements, setbacks, ingress/egress, parking, fencing, landscaping, adjacent uses, and other information deemed by the Town Planning Commission or Town Staff to be necessary to assess compliance with this division. Additionally the applicant shall provide actual photographs of the site from designated relevant views that include a simulated photographic image of the proposed tower and antennas. The photograph with the simulated image shall include the foreground, the mid-ground and the background of the site.

9-18.7.1. An engineering report, certifying that the proposed antenna or tower is compatible for co-location when more than one user is proposed for the same tower, must be submitted by the applicant.

9-18.7.2. The applicant shall pay all costs associated with notifying adjoining property owners and other nearby residents by certified letter concerning the project prior to public hearings before the Planning Commission and/or, on appeal, the Town Council.

- 9-18.7.3. The applicant shall provide copies of its co-location policy. The applicant shall provide copies of propagation maps using proposed antenna tilt demonstrating that antennas and sites for possible co-locator antennas are no higher in elevation than necessary to serve the intended area.
- 9-18.7.4 The applicant shall provide a report and drawings identifying its coverage area within the Town and surrounding 10-mile area.

9-18.8. Factors to be Considered in Granting Special Use Permits for New Towers and Antennas

The Town Council shall consider the following factors, in addition to others herein, in determining whether to approve a Special Use Permit:

- 9-18.8.1. Height of the proposed tower: No tower shall ever exceed 199 feet.
- 9-18.8.2. Proximity of the tower or pole to residential structures and residential district boundaries, historic structures and districts, or other manmade or unique natural areas within or adjacent to the Town
- 9-18.8.3. Nature of the adjacent uses and nearby properties.
- 9-18.8.4. Surrounding topography.
- 9-18.8.5. Impact on surrounding tree coverage and foliage. Impacts shall be kept to the minimum for the installation of the facility.
- 9-18.8.6. Design of tower or pole, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
- 9-18.8.7. Proposed ingress and egress.
- 9-18.8.8. Compliance with the Town's co-location policy.
- 9-18.8.9. Consistency with the Comprehensive Plan and the purposes of the zoning district of the facility and areas from which the antenna or tower will be visible.
- 9-18.8.10. Availability of suitable existing towers and other structures as provided for in Section 9-18.9 herein.

The Council may waive or modify one (1) or more of these criteria if the Council concludes that the goals of this Ordinance are better served by the facility as it is proposed by the applicant.

9-18.9. Availability of Suitable Existing Towers or Other Structures.

Co-location is the preferred solution to the need for additional antennas. No new tower shall be permitted unless the applicant demonstrates that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence to be considered in determining whether existing towers or structures cannot accommodate the applicant's proposed antenna include the following:

- 9-18.9.1. No existing towers or structures are located within the geographic area required to meet applicant's engineering and coverage requirements under the Telecommunications Act (TCA).
- 9-18.9.2. Existing towers or structures are not of sufficient height to meet applicant's engineering and coverage requirements under the Telecommunications Act (TCA).
- 9-18.9.3. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment and cannot be made or reconstructed to support additional antennas.
- 9-18.9.4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing tower or structures would cause interference with the applicant's proposed antenna.

A written statement of justification with supporting documentation is required from any applicant claiming that no existing facility can accommodate its antenna. The Town Council may use its own staff, it's own consultants or other independent authorities to review and verify information submitted by the applicant.

9-18.10. Setbacks.

Towers shall be set back a distance of at least one hundred (100) percent of the height of the tower from the boundaries of the property on which the tower is located.

9-18.11. Security fencing.

Towers shall be enclosed by security fencing not less than six (6) feet in height and shall be equipped with an anti-climbing device.

9-18.12. Landscaping.

The following requirements shall govern the landscaping surrounding towers.

- 9-18.12.1. Tower facilities shall be landscaped with a mix of deciduous and evergreen trees that effectively screens the view of the support buildings from adjacent property. The standard buffer shall consist of a landscaped strip of at least ten (10) feet wide outside the perimeter of the facility compound.
- 9-18.12.2. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible.

9-18.13. Removal of abandoned antennas and towers.

Any antenna or tower that is not operated for a continuous period of two (2) years shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the Zoning Administrator notifying the owner of such removal requirement. Removal includes the removal of the tower, all tower and fence footers, underground cables and support buildings.

If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower. If the tower is not removed per this section, the Town may require the landowner to have it removed.